

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

NTP, INC.,

Plaintiff,

v.

RESEARCH IN MOTION, LTD.,

Defendant.

Civil Action Number 3:01CV767

ORDER

THIS MATTER comes before the Court on the parties' Proposed Scheduling Orders. Upon due consideration, it is hereby ORDERED that:

1. The Court will review the February 9, 2005 Settlement Letter and March 13, 2005 Term Sheet.
2. NTP's brief addressing the existence of an alleged settlement agreement shall be filed on November 10, 2005. The Defendant's Response Brief will be filed pursuant to the Local Rules for the United States District Court of the Eastern District of Virginia ("Local Rules"). No Reply Brief is necessary.
3. The Court DIRECTS that all parol evidence be filed under seal without the requirement of filing a Motion and Memorandum pursuant to Local Rule 5.
4. If the Court deems the Settlement Letter and Term Sheet are unambiguous, it will schedule an evidentiary hearing.
5. If the Court deems there is material ambiguity requiring review of any parol evidence, the Court will proceed with review of the parol evidence.

- a. If the Court deems a binding settlement exists between the parties, it will proceed with construction of the Settlement Agreement.
 - b. If the Court deems no binding settlement exists between the parties, it will proceed in its review of the Injunction Relief and Damages Award.
6. RIM's brief regarding a stay of the judicial proceedings until completion of reexamination proceedings in the U.S. Patent and Trademark Office shall be filed on November 10, 2005. The Plaintiff's Response Brief shall be filed pursuant to Local Rule 7. No Reply Brief is necessary.
7. At the appropriate time, the Court will direct the parties to submit briefs on the Damages Award on the Remanded Claims and Injunctive Relief on the Fully Affirmed Claims. The two issues will be considered simultaneously.

The Clerk is directed to fax a copy of this Order to local counsel for Plaintiff, Jack E. McClard, and for Defendant, Robert M. Tyler. Local counsel are requested to submit a list of counsel who remain in the case and should be notified.

It is SO ORDERED.

/s/ JAMES R. SPENCER
UNITED STATES DISTRICT JUDGE

November 9, 2005
DATE